

Section 2: The Risk Management Fund

This section contains a detailed review of the legal basis for the North Dakota risk management program and the Risk Management Fund. Discussed here are the kinds of claims and damages covered by the Fund, along with definitions of important terms; the kinds of protection the State needs and through which mechanism they are provided; copies of certificates of financial responsibility; a copy of the Century Code chapter pertaining to claims against the State; and a list of agency and facility contributions to the Risk Management Fund.

The specific topics are:

- 2.1 Memorandum of Liability and Defense Coverage
- 2.2 Insurance Coverages
- 2.3 Certificates of Insurance and Financial Responsibility
- 2.4 North Dakota Century Code Chapter 32-12.2
- 2.5 Funding
 - Risk Management Fund Contribution Discount Program
 - Risk Management Fund Contribution Discount Program Application Form (SFN 53424)
 - Schedules for Portions of Quarterly Loss Control Committee Meeting Agendas Specific to Qualifying for the RMF and RMWCP Discounts
 - Contribution Table

2.1 Memorandum of the Risk Management Fund Liability and Defense Coverage

The 1995 North Dakota Legislature created a new chapter of the Century Code, N.D.C.C. ch. 32-12.2, governing claims against the State and State employees for personal injury, death, or property damage caused by the State or a State employee “acting within the scope of the employee’s employment.”

The chapter also established the Risk Management Fund and directed that it be administered by the Office of Management and Budget.

This memorandum is a summary of the Risk Management Fund program created by the law and is not intended to create any rights or responsibilities other than those established in N.D.C.C. ch. 32-12.2.

Provisions of the Risk Management Fund

Damages Coverage

The Risk Management Fund will pay money damages for an injury caused by the negligence or wrongful act or omission of a State employee acting within the employee’s scope of employment which the employee would be personally liable to pay a claimant under state law.

The Risk Management Fund also will pay money damages for an injury caused from some condition or use of tangible property under circumstances in which the State, if it were a private person, would be liable to the claimant.

Coverage includes claims for damages resulting from an occurrence, accident, wrongful act, error or omission, or claim made because of bodily injury, personal injury, property damage, professional liability, or public officials’ professional liability, or any combination thereof.

However, the Risk Management Fund will not pay money damages for those claims excluded under N.D.C.C. ch. 32-12.2 or other applicable law.

Coverage Limit

The amount of money damages the Risk Management Fund may pay is limited to a total of two hundred fifty thousand dollars (\$250,000) per person and one million dollars (\$1,000,000) per occurrence. The per occurrence cap may be exceeded only if more than one claimant presents proofs of judgment to the Director of the Office of Management and Budget to be included in the proposed budget for the Office of Management and Budget and the Legislature adopts an appropriation to pay the claim during the next regular legislative session.

The Risk Management Fund will not be held liable or indemnify a State employee held liable for punitive or exemplary damages.

Defense Coverage

The Risk Management Fund will defend any claim brought against the State under N.D.C.C. ch. 32-12.2 or brought against a state employee acting within the scope of employment at no cost to the employee, if that employee 1) provides complete disclosure and cooperation in the defense of the claim or demand; 2) has given written notice of the claim or demand to the head of the state entity that employs the state employee and to the attorney general within ten days after being served with a summons, complaint or other legal pleading asserting that claim or demand against the State employee; and 3) requests representation.

For any claim brought under N.D.C.C. ch. 32-12.2 a State employee may hire, at his or her expense, counsel to represent the employee in the litigation. If the State employee chooses to hire separate defense counsel, the State will not indemnify, save harmless or defend the State employee nor pay for the State employee's defense or any judgment against the State employee.

The Risk Management Fund may, at its discretion and in consultation with the head of the agency involved and the Attorney General, investigate any occurrence, settle any claim or suit that may result, or submit the claim to mediation or binding arbitration.

Defense costs are payable in addition to the above-stated coverage limit.

Exclusions

Neither the State nor a State employee may be held liable under the State Tort Claims Act for any of the following claims:

- a) A claim based upon an act or omission of a State employee exercising due care in the execution of a valid or invalid statute or rule.
- b) A claim based upon a decision to exercise or perform or a failure to exercise or perform a discretionary function or duty on the part of the State or its employees, regardless of whether the discretion involved is abused or whether the statute, order, rule, or resolution under which the discretionary function or duty is performed is valid or invalid. Discretionary acts include acts, errors, or omissions in the design of any public project but do not include the drafting of plans and specifications that are provided to a contractor to construct a public project.
- c) A claim resulting from the decision to undertake or the refusal to undertake any legislative or quasi-legislative act, including a decision to adopt or the refusal to adopt any statute, order, rule, or resolution.

- d) A claim resulting from the decision to undertake or the refusal to undertake any judicial or quasi-judicial act, including a decision to grant, to grant with conditions, to refuse to grant, or to revoke any license, permit, order, or other administrative approval or denial.
- e) A claim relating to injury directly or indirectly caused by a person who is not employed by the state.
- f) A claim relating to injury directly or indirectly caused by the performance or nonperformance of a public duty, including:
 - (1) Inspecting, licensing, approving, mitigating, warning, abating, or failing to so act regarding compliance with or the violation of any law, rule, regulation, or any condition affecting health or safety.
 - (2) Enforcing, monitoring, or failing to enforce or monitor conditions of sentencing, parole, probation, or juvenile supervision.
 - (3) Providing or failing to provide law enforcement services in the ordinary course of a state's law enforcement operation.
- g) "Public duty" does not include action of the state or a state employee under circumstances in which a special relationship can be established between the state and the injured party. A special relationship is demonstrated if all of the following elements exist:
 - (1) Direct contact between the state and the injured party.
 - (2) An assumption by the state, by means of promises or actions, of an affirmative duty to act on behalf of the party who allegedly was injured.
 - (3) Knowledge on the part of the state that inactions of the state could lead to harm.
 - (4) The injured party's justifiable reliance on the state's affirmative undertaking, occurrence of the injury while the injured party was under the direct control of the state, or the state action increases the risk of harm.
- h) A claim resulting from the assessment and collection of taxes.
- i) A claim resulting from snow or ice conditions, water or debris on a highway or on a public sidewalk that does not abut a State-owned building or parking lot, except when the condition is affirmatively caused by the negligent act of a State employee.
- j) A claim resulting from any injury caused by a wild animal in its natural State.
- k) A claim resulting from the condition of unimproved real property owned or leased by the State.
- l) A claim resulting from the loss of benefits or compensation due under a program of public assistance.
- m) A claim resulting from the reasonable care and treatment, or lack of care and treatment, of a person at a state institution where reasonable use of available appropriations has been made to provide care.
- n) A claim resulting from damage to the property of a patient or inmate of a state institution.
- o) A claim resulting from any injury to a resident or an inmate of a state institution if the injury is caused by another resident or inmate of that institution.

- p) A claim resulting from environmental contamination, except to the extent that federal environmental law permits the claim.
- q) A claim resulting from a natural disaster, an act of God, a military action, or an act or omission taken as part of a disaster relief effort.
- r) A claim for damage to property owned by the State.
- s) A claim for liability assumed under contract, except this exclusion does not apply to liability arising from a State employee's operation of a rental vehicle if the vehicle is rented for a period of thirty days or less and the loss is not covered by the State employee's personal insurance or by the vehicle rental company.

Immunity

The Risk Management Fund is a self-retention fund for the State and does not constitute insurance or a government self-insurance pool. Neither the existence of the Risk Management Fund nor this memorandum of coverage constitutes a waiver of any existing immunity to suit or creates any liability to suit.

Notice Requirement

A person bringing a claim against the State or a State employee for an injury shall present to the Director of the Office of Management and Budget within one hundred eighty (180) days after the alleged injury is discovered or reasonably should have been discovered a written notice stating the time, place, and circumstances of the injury, names of any State employees known to be involved, and the amount of compensation or other relief demanded. The time for giving notice does not include the time during which a person injured is incapacitated by the injury from giving notice. If the claim is one for death, the notice may be presented by the personal representative, surviving spouse, or next of kin within one year after the alleged injury resulting in the death.

Definitions

Claim: any claim for relief brought against the State or a state employee for an injury caused by the State or a State employee acting within the scope of the employee's employment whether in the state or outside the State.

Injury: personal injury, death, or property damage.

Occurrence: an accident, including continuous or repeated exposure to a condition, which results in an injury.

Personal injury: bodily injury, mental injury, sickness, or disease sustained by a person and injury to a person's rights or reputation.

Property damage: injury to or destruction of tangible or intangible property.

Scope of employment: means the state employee was acting on behalf of the State in the performance of duties or tasks of the employee's office or employment lawfully assigned to the state employee by competent authority or law.

State: includes an agency, authority, board, body, branch, bureau, commission, committee, council, department, division, industry, institution, instrumentality, and office of the State.

State employee: means every present or former officer or employee of the state or any person acting on behalf of the state in an official capacity, temporarily or permanently, with or without compensation. The term does not include an independent contractor.

State institution: the state hospital, the developmental center at westwood park, Grafton, the state penitentiary, the Missouri River correctional center, the North Dakota youth correctional center, the North Dakota vision services - school for the blind, the school for the deaf, and similar facilities providing care, custody or treatment for individuals.

Other Coverages

The Risk Management Fund may purchase commercial insurance and/or governmental self-insurance for exposures determined to cause an excessive financial risk to the Fund. Such purchased commercial insurance and/or governmental self-insurance shall be primary coverage.

2.2 Insurance Coverages

Under state law, all liability insurance and/or governmental self-insurance purchased on behalf of the State must be authorized in writing by the Director of the Office of Management and Budget.

Deciding whether to purchase insurance or to self-retain the various risks of the State through the Risk Management Fund requires analysis, a statewide perspective, and risk financing expertise. The Risk Management Division of the Office of Management and Budget is the focal point for this decision-making process, which includes substantial input from State agencies.

Types of Coverages

The State's approach to assumption of risk varies by type of coverage. Some insurance is purchased due to the catastrophic potential of some exposures to negatively affect the financial stability of the Risk Management Fund. The various coverages are summarized below by area, and the appropriate contact person is identified where applicable.

Liability

The Risk Management Fund provides tort liability coverage for State employees up to \$250,000 per person and \$1,000,000 per occurrence

It is the opinion of the Attorney General that with certain exceptions, all State and agency operations fall within the scope of N.D.C.C. ch. 32-12.2. Thus, liability risks associated with these operations are funded through the Risk Management Fund. Liability to a third party (non-employee) includes bodily injury, personal injury, professional liability, errors and omissions or property damage resulting from the premises or operations of the State, its agencies, employees, boards, commissions or assigns. *Contact Johanna Zschomler, Director, Risk Management Division of the Office of Management and Budget, (701) 328-7584.*

State Fleet

Vehicles titled to the Department of Transportation (DOT) will be covered for liability under the Risk Management Fund as of July 1, 1997. *Contact State Fleet Services, DOT, (701) 328-1472.*

Professional Liabilities and Medical Malpractice

As of July 1, 1997, coverage to the tort cap limits is provided by the Risk Management Fund and commercial insurance coverage. *Contact Johanna Zschomler, Director, Risk Management Division of the Office of Management and Budget, (701) 328-7584.*

Aviation

Insurance coverage is purchased by the various entities that have aviation risks. Due to the catastrophic nature of aviation risks and the need for high limits of liability, this exposure is funded through purchase of commercial insurance coverage, not the Risk Management Fund.

Property

All owned or leased real and personal property of the State and its agencies by law must be insured through the North Dakota Fire and Tornado Fund. *Contact, North Dakota Fire and Tornado Fund, (701) 328-9600.*

Exceptions to this requirement are determined by the Fire and Tornado Fund, in which case the agency has authority to place coverage with other insurers. Such exceptions include but are not limited to:

Boiler and machinery. Risk Management facilitates the purchase of a master boiler and machinery policy for the State and its agencies. All agencies should make every effort to use this master program. *Contact Johanna Zschomler, Director, Risk Management Division of the Office of Management and Budget, (701) 328-7584.*

Inland Marine floaters. Special coverage is available for mobile equipment, portable radios, computers, artwork, and similar property. An agency wishing to purchase this coverage may do so.

Employee faithful performance bond. The State Bonding Fund provides fidelity bond coverage for each state employee. *Contact State Bonding Fund, (701) 328-9606.*

2.3 Certificates of Insurance and of Financial Responsibility

State agencies that purchase commercial insurance coverage can obtain Certificates of Insurance from the insurers. If you are asked to provide a certificate, contact the insurer's agent for assistance.

Since the Risk Management Fund is not an insurance company, it will not issue Certificates of Insurance. It will, however, provide a Certificate of Financial Responsibility for liability exposures it covers. If you are asked to provide proof of financial responsibility, contact the State Risk Manager for assistance. Samples of the Certificate of Financial Responsibility are on the next two pages.

CERTIFICATE OF FINANCIAL RESPONSIBILITY

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE LIABILITIES ASSUMED BY THE STATE OF NORTH DAKOTA OR THE COVERAGES THAT MAY BE AFFORDED BY ANY INSURANCE CARRIERS OR SELF-INSURED FUNDS.

LIABILITY OF THE STATE IS CREATED AND LIMITED BY ENACTMENT OF CHAPTER 32-12.2 OF THE NORTH DAKOTA CENTURY CODE. AS OF APRIL 22, 1995, ALL TERMS, CONDITIONS, STATUTES OF LIMITATIONS APPLY AS OUTLINED THEREIN. DAMAGES THAT MAY BE PAID WITHOUT SPECIFIC LEGISLATIVE AUTHORITY FOR EVENTS OCCURRING PRIOR TO AUGUST 1, 1997, ARE \$250,000 PER PERSON AND \$750,000 PER OCCURRENCE; ON OR AFTER AUGUST 1, 1997, \$250,000 PER PERSON AND \$1,000,000 PER OCCURRENCE.

THE STATE OF NORTH DAKOTA HAS FUNDED FOR THIS LIABILITY EXPOSURE AT A LEVEL DETERMINED BY AN INDEPENDENT ACTUARY.

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS:

THIS CERTIFICATE IS ISSUED TO:

ON THIS DATE OF:

BY:

AUTHORIZED REPRESENTATIVE OF THE STATE
OF NORTH DAKOTA OFFICE OF MANAGEMENT
AND BUDGET

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EXCESS LIABILITY REINSURANCE COVERAGE PROVIDED BY SWISS RE AMERICA CERTIFICATE NO. CP 36: \$3,000,000

THE STATE OF NORTH DAKOTA HAS FUNDED FOR THIS LIABILITY EXPOSURE AT A _____ LEVEL DETERMINED BY AN INDEPENDENT ACTUARY.

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS:

THIS CERTIFICATE IS ISSUED TO:

ON THIS DATE OF:

BY:

AUTHORIZED REPRESENTATIVE OF THE STATE
OF NORTH DAKOTA OFFICE OF MANAGEMENT
AND BUDGET

2.4 North Dakota Century Code Chapter 32-12.2

CHAPTER 32-12.2 CLAIMS AGAINST THE STATE

32-12.2-01. Definitions. As used in this chapter, unless the context otherwise requires:

1. "Claim" means any claim for money damages brought against the state or a state employee for an injury caused by the state or a state employee acting within the scope of the employee's employment whether in the state or outside the state.
2. "Injury" means personal injury, death, or property damage.
3. "Occurrence" means an accident, including continuous or repeated exposure to a condition, which results in an injury.
4. "Personal injury" includes bodily injury, mental injury, sickness, or disease sustained by a person and injury to a person's rights or reputation.
5. "Property damage" includes injury to or destruction of tangible or intangible property.
6. "Scope of employment" means the state employee was acting on behalf of the state in the performance of duties or tasks of the employee's office or employment lawfully assigned to the employee by competent authority or law.
7. "State" includes an agency, authority, board, body, branch, bureau, commission, committee, council, department, division, industry, institution, instrumentality, and office of the state.
8. "State employee" means every present or former officer or employee of the state or any person acting on behalf of the state in an official capacity, temporarily or permanently, with or without compensation. The term does not include an independent contractor.
9. "State institution" means the state hospital, the developmental center at westwood park, Grafton, the state penitentiary, the Missouri River correctional center, the North Dakota youth correctional center, the North Dakota vision services - school for the blind, the school for the deaf, and similar facilities providing care, custody, or treatment for individuals.

32-12.2-02. Liability of the state - Limitations - Statute of limitations.

1. The state may only be held liable for money damages for an injury proximately caused by the negligence or wrongful act or omission of a state employee acting within the employee's scope of employment under circumstances in which the employee would be personally liable to a claimant in accordance with the laws of this state, or an injury caused from some condition or use of tangible property under circumstances in which the state, if a private person, would be liable to the claimant. No claim may be brought against the state or a state employee acting within the employee's scope of employment except a claim authorized under this chapter or otherwise authorized by the legislative assembly. The enactment of a law, rule, or regulation to protect any person's health, safety, property, or welfare does not create a duty of care on the part of the state, its employees, or its agents, if that duty would not otherwise exist.

2. The liability of the state under this chapter is limited to a total of two hundred fifty thousand dollars per person and one million dollars for any number of claims arising from any single occurrence. The state may not be held liable, or be ordered to indemnify a state employee held liable, for punitive or exemplary damages. Any amount of a judgment against the state in excess of the one million dollar limit imposed under this subsection may be paid only if the legislative assembly adopts an appropriation authorizing payment of all or a portion of that amount. A claimant may present proof of the judgment to the director of the office of management and budget who shall include within the proposed budget for the office of management and budget a request for payment for the portion of the judgment in excess of the limit under this section at the next regular session of the legislative assembly after the judgment is rendered.
3. Neither the state nor a state employee may be held liable under this chapter for any of the following claims:
 - a. A claim based upon an act or omission of a state employee exercising due care in the execution of a valid or invalid statute or rule.
 - b. A claim based upon a decision to exercise or perform or a failure to exercise or perform a discretionary function or duty on the part of the state or its employees, regardless of whether the discretion involved is abused or whether the statute, order, rule, or resolution under which the discretionary function or duty is performed is valid or invalid. Discretionary acts include acts, errors, or omissions in the design of any public project but do not include the drafting of plans and specifications that are provided to a contractor to construct a public project.
 - c. A claim resulting from the decision to undertake or the refusal to undertake any legislative or quasi-legislative act, including the decision to adopt or the refusal to adopt any statute, order, rule, or resolution.
 - d. A claim resulting from a decision to undertake or a refusal to undertake any judicial or quasi-judicial act, including a decision to grant, to grant with conditions, to refuse to grant, or to revoke any license, permit, order, or other administrative approval or denial.
 - e. A claim relating to injury directly or indirectly caused by a person who is not employed by the state.
 - f. A claim relating to injury directly or indirectly caused by the performance or nonperformance of a public duty, including:
 - (1) Inspecting, licensing, approving, mitigating, warning, abating, or failing to so act regarding compliance with or the violation of any law, rule, regulation, or any condition affecting health or safety.
 - (2) Enforcing, monitoring, or failing to enforce or monitor conditions of sentencing, parole, probation, or juvenile supervision.
 - (3) Providing or failing to provide law enforcement services in the ordinary course of a state's law enforcement operations.

- g. "Public duty" does not include action of the state or a state employee under circumstances in which a special relationship can be established between the state and the injured party. A special relationship is demonstrated if all of the following elements exist:
 - (1) Direct contact between the state and the injured party.
 - (2) An assumption by the state, by means of promises or actions, of an affirmative duty to act on behalf of the party who allegedly was injured.
 - (3) Knowledge on the part of the state that inaction of the state could lead to harm.
 - (4) The injured party's justifiable reliance on the state's affirmative undertaking, occurrence of the injury while the injured party was under the direct control of the state, or the state action increases the risk of harm.
- h. A claim resulting from the assessment and collection of taxes.
- i. A claim resulting from snow or ice conditions, water, or debris on a highway or on a public sidewalk that does not abut a state-owned building or parking lot, except when the condition is affirmatively caused by the negligent act of a state employee.
- j. A claim resulting from any injury caused by a wild animal in its natural state.
- k. A claim resulting from the condition of unimproved real property owned or leased by the state.
- l. A claim resulting from the loss of benefits or compensation due under a program of public assistance.
- m. A claim resulting from the reasonable care and treatment, or lack of care and treatment, of a person at a state institution where reasonable use of available appropriations has been made to provide care.
- n. A claim resulting from damage to the property of a patient or inmate of a state institution.
- o. A claim resulting from any injury to a resident or an inmate of a state institution if the injury is caused by another resident or inmate of that institution.
- p. A claim resulting from environmental contamination, except to the extent that federal environmental law permits the claim.
- q. A claim resulting from a natural disaster, an act of God, a military action, or an act or omission taken as part of a disaster relief effort.
- r. A claim for damage to property owned by the state.
- s. A claim for liability assumed under contract, except this exclusion does not apply to liability arising from a state employee's operation of a rental vehicle if the vehicle is rented for a period of thirty days or less and the loss is not covered by the state employee's personal insurance or by the vehicle rental company.

4. An action brought under this chapter must be commenced within the period provided in section 28-01-22.1.
5. This chapter does not create or allow any claim that does not exist at common law or has not otherwise been created by law as of April 22, 1995.

32-12.2-03. State to be named in action - Personal liability and defense of employees - Indemnification of claims and final judgments.

1. An action for an injury proximately caused by the alleged negligence, wrongful act, or omission of a state employee occurring within the scope of the employee's employment must be brought against the state.
2. A state employee is not personally liable for money damages for an injury when the injury is proximately caused by the negligence, wrongful act, or omission of the employee acting within the scope of employment.
3. A state employee may not be held liable in the employee's personal capacity for acts or omissions of the employee occurring within the scope of the employee's employment. A state employee may be personally liable for money damages for an injury when the injury is proximately caused by the negligence, wrongful act, or omission of the employee acting outside the scope of the employee's employment. The plaintiff in such an action bears the burden of proof to show by clear and convincing evidence that the employee was acting outside the scope of the employee's employment. The extent to which an employee may be personally liable under this section and whether the employee was acting within the scope of employment must be specifically stated in a final judgment.
4. Except for claims or judgments for punitive damages, the state shall indemnify and save harmless a state employee for any claim, whether groundless or not, and final judgment for any act or omission occurring within the scope of employment of the employee if the employee provides complete disclosure and cooperation in the defense of the claim or demand and if the employee has given written notice of the claim or demand to the head of the state entity that employs the state employee and to the attorney general within ten days after being served with a summons, complaint, or other legal pleading asserting that claim or demand against the state employee.
5. A judgment in a claim against the state is a complete bar to any claim by the claimant, resulting from the same injury, against the employee whose act or omission gave rise to the claim.
6. The state shall defend any state employee in connection with any civil claim or demand, whether groundless or otherwise, arising out of an alleged act or omission occurring within the scope of the employee's employment if the employee provides complete disclosure and cooperation in the defense of the claim or demand and if the employee requests such defense in writing within ten days after being served with a summons, complaint, or other legal pleading asserting a cause of action against the state employee arising out of a civil claim or demand. The request for defense must be in writing and provided to the head of the state entity that employs the state employee and the attorney general. The head of the state entity that employs the state employee shall advise the attorney general as to whether that person deems the employee's actions that are the subject of the action to have been within the scope of the employee's employment. The determination of whether a state employee was acting within the scope of employment must be made by the attorney general. If the attorney general

determines that the employee was acting within the scope of the employee's employment, the state shall provide the employee with a defense by or under the control of the attorney general or the attorney general's appointee. This section is not a waiver, limitation, or modification of any immunity or other defenses of the state or any of its employees, nor does it create any causes of action against the state or any of its employees.

7. For any claim brought under this chapter, a state employee may choose to hire the employee's own separate defense counsel to represent the state employee in the litigation. If the state employee chooses to hire separate defense counsel, subsections 4 and 6 do not apply to the state employee in that litigation and the state will not indemnify, save harmless, or defend the state employee nor pay for the state employee's defense or any judgment against the state employee.

32-12.2-04. Notice required - Payment of claims.

1. A person bringing a claim against the state or a state employee for an injury shall present to the director of the office of management and budget within one hundred eighty days after the alleged injury is discovered or reasonably should have been discovered a written notice stating the time, place, and circumstances of the injury, the names of any state employees known to be involved, and the amount of compensation or other relief demanded. The time for giving the notice does not include the time during which a person injured is incapacitated by the injury from giving the notice. If the claim is one for death, the notice may be presented by the personal representative, surviving spouse, or next of kin within one year after the alleged injury resulting in the death.
2. After receipt of notice of a claim, the director of the office of management and budget shall, in a timely manner, notify the head of the state entity involved, the attorney general, and any insurer or self-insurance pool providing coverage for that state entity. For claims over ten thousand dollars, the director, in consultation with the head of the state entity involved and the attorney general, may settle claims covered by the state risk management fund if the claim is made in writing and settlement is approved by the attorney general. The director of the office of management and budget may independently settle any claim covered by the state risk management fund if the claim is made in writing and the settlement is for not more than ten thousand dollars.
3. A claim shall be paid out of the risk management fund unless that claim is covered by insurance or participation in a government self-insurance pool. All necessary loss adjustment expenses must be included as a component of the claim and be paid out of the fund. Loss adjustment expenses include investigation costs and attorney's fees associated with a claim.
4. The acceptance by the claimant of a settlement is final and conclusive on the claimant and constitutes a complete release of any claim against the state and the state employee whose act or omission gave rise to the claim.
5. A person bringing a legal action against the state or a state employee for a claim shall deliver a copy of the summons, complaint, or other legal pleading in which the claim is first asserted in the action to the director of the office of management and budget at the time the summons, complaint, or other legal pleading is served in the action. This provision is in addition to any applicable rule of civil procedure.

32-12.2-05. (Contingent expiration date - see Note) Arbitration of claims. The director of the office of management and budget, in consultation with the head of the state entity involved and

the attorney general, may agree to submit a claim covered by the state risk management fund to mediation or binding arbitration. If a claim is submitted to arbitration, the arbitrator must apply the limitations on liability imposed under this chapter in deciding the claim.

32-12.2-06. Liability insurance - Reinsurance. Upon approval of the director of the office of management and budget, an entity of the state may participate in a government self-insurance pool or may purchase insurance against liability of the entity and its employees for damages resulting from claims under this chapter. The director shall limit participation in government self-insurance pools and, except as provided in this section, the purchase of insurance to exposures determined to cause an excessive financial risk to the state risk management fund including exposures reasonably expected to deplete the fund and have a significant detrimental impact on the state's budget. The director shall develop a state self-retention program that provides as much coverage as possible of potential liability recognized by this chapter, but that includes insurance purchases in a manner that is determined appropriate by the director in consultation with the state risk manager. The insurance may be provided by an insurance company authorized to do business in this state which the insurance commissioner has determined to be responsible and financially sound, considering the extent of the coverage required, or coverage may be provided by a government self-insurance pool. If a premium savings will result and the director of the office of management and budget approves, the insurance policy or memorandum of coverage may be in force from one through three years from the date of issue. The director may procure an excess loss reinsurance contract for the state.

32-12.2-07. Risk management fund - Appropriation.

1. The director of the office of management and budget shall implement and administer a program of self-retention against liability for the state through the establishment of a risk management fund. Each entity of the state shall participate in the program by contributing the appropriate share of its costs as determined by the director.
2. The state risk management fund is a special fund in the state treasury administered by the director of the office of management and budget. The fund is a revolving fund consisting of contributions from participating state entities, all payments received by the fund from its activities, and other appropriations by the legislative assembly. The state investment board shall invest the fund in accordance with chapter 21-10. Funds received as contributions from state entities, all other payments deposited in the fund, and interest and income received on investments are hereby appropriated on a continuing basis for the purposes of the fund. Section 54-44.1-11 does not apply to the fund.
3. The director of the office of management and budget shall:
 - a. Review the state's exposure to various types of potential risks in consultation with affected state entities and advise state entities as to the reduction of risk and fiscal management of those losses.
 - b. Be responsible for statewide risk management coordination, evaluation of funding and insuring alternatives, and the approval of all liability insurance purchases or government self-insurance pool participation in consultation with affected state entities.
 - c. Identify methods to eliminate redundant efforts in the management of state risk management and insurance programs.
 - d. Administer the state risk management fund or contract for a third-party administrator.

4. The director of the office of management and budget may request bids from insurance carriers or government self-insurance pools or negotiate with insurance carriers and government self-insurance pools and may enter into contracts of insurance with carriers or memorandums of coverage with government self-insurance pools that are best qualified to underwrite and service insurance or coverage programs for the state through the risk management fund.

32-12.2-08. Duties of director of the office of management and budget. The director of the office of management and budget is responsible for determining the specifications for liability insurance or coverage for the state. The director shall require an insurance company or government self-insurance pool providing coverage for the state to guarantee that its policy or memorandum of coverage provides minimum coverages pursuant to required specifications and is primary coverage to any coverage under the risk management fund.

32-12.2-09. Insurance no waiver of immunity. No purchase of insurance or participation in a government self-insurance pool or self-retention fund by the state may be construed as a waiver of any immunity to suit.

32-12.2-10. (Contingent expiration date - see Note) Eleventh Amendment immunity preserved. This chapter does not waive the state's immunity under the Eleventh Amendment to the United States Constitution in any manner, and this chapter may not be construed to abrogate that immunity.

32-12.2-11. Certain records relating to claims against the state or state employees privileged and exempt from open records law.

1. The following records are privileged and are not subject to section 44-04-18 or section 6 of article XI of the Constitution of North Dakota:
 - a. Records containing information relating to that portion of the funds or liability reserves of the risk management fund established for the purpose of satisfying a specific pending or reasonably predictable claim against the state or a state employee; and
 - b. Incident reports, investigation reports, or other risk management fund records of a pending or reasonably predictable claim against the state or a state employee.
2. The office of management and budget shall make available for public disclosure records identified in subsection 1 when disclosure of the record will not prejudice any outstanding claim or reasonably predictable claim against the state or a state employee, all civil litigation or adversarial administrative proceedings, including the exhaustion of all appellate remedies, have been completed, and, in the case of reasonably predictable claims, the applicable statute of limitations has expired.

32-12.2-12. State agency loss control committee records and meetings privileged and exempt from open records and open meetings law. The portions of the records and meetings of any state agency loss control committee dealing with confidential records are not public records or public meetings subject to sections 44-04-18 and 44-04-19 and sections 5 and 6 of article XI of the Constitution of North Dakota. Those records and meetings of the committee are privileged and are not subject to subpoena or discovery or introduction into evidence in any civil action. The records of the committee include all information, data, reports, or records created by or made available to the committee. Any information, data, report, or record otherwise available from

original sources is not confidential or immune from discovery or use in any civil action merely because it was presented or considered during the proceedings of the committee. A person who testified before the committee or who is a member of the committee may testify as to matters within that person's knowledge but may not be asked about the records of, the testimony before, or the discussions of the committee. This section does not relieve any person of any liability incurred as a result of actions reviewed by the committee.

32-12.2-13. Contract between the state and a political subdivision. A contract between the state and a political subdivision may not contain a provision that requires one party to assume the liability of the other or the liability of a third party or to bear the costs of defense of actions against the other or against a third party, unless the agreement is entered into in good faith and is set forth in a separate writing signed by both parties and supported by adequate consideration which must be stated in the agreement.

32-12.2-14. Risk management motor vehicle accident review board - Powers - Records - Meetings. The director of the office of management and budget shall establish a risk management motor vehicle accident review board to review any accident involving a motor vehicle owned or leased by the state and operated by a state employee. The board is composed of the director of the department of transportation, or the director's designee, who shall serve as chairman of the board; the director of the office of management and budget, or the director's designee; the superintendent of the highway patrol or the superintendent's designee; and two state employees selected by the other board members to serve two-year terms.

The risk management motor vehicle accident review board shall review accidents involving state-owned or state-leased vehicles operated by state employees in order to improve traffic safety and driver training and to reduce the number of traffic accidents. The board shall adopt rules concerning receiving accident reports, holding meetings, receiving verbal or written information, making recommendations, communicating with state agencies and employees, and informing state agencies of its recommendations. Three members of the board constitute a quorum and an affirmative vote of at least three board members is required for the board to take action and make a recommendation.

The duties of the chairman include scheduling meetings; notifying participants; receiving and maintaining board records, reports, and other material; and communicating with agencies concerning the board's recommendations.

The department of transportation shall report state motor vehicle-related accidents to the board for review if it appears further training could have rendered the accident preventable or if there was a citation issued to the state employee operating the state-owned or state-leased motor vehicle. After review, the board may recommend driver training; defensive driver training; emergency vehicle operational training; physical, written, or operational examinations; or restrictions on the use of state-owned or state-leased motor vehicles. The state agency employing the employee operating the state-owned or state-leased motor vehicle involved in the traffic accident shall decide whether to implement the board's recommendation.

State employees must be paid and may not be required to take any leave for time needed to assist the board, and all state employers shall reimburse their employees for travel expenses incurred in assisting the board.

The board must be deemed to be a state agency loss-control committee under section 32-12.2-12 and all of the board's current or former members and all participants providing any verbal

or written information to the board are entitled to the rights against production of records or testimony as contained in this section.

32-12.2-15. Contracts limiting liability to the state - Assumption of certain excess liability by the risk management fund. Notwithstanding any provision in this chapter to the contrary, if the attorney general and the director of the office of management and budget determine it is in the best interest of the state, an agency may agree to limit the liability of a contractor to the state. The liability limitation must be approved by the attorney general and director of the office of management and budget in writing and may only be approved for contracts for the purchase or lease of software, communication, or electronic equipment. For any uninsured losses, the director of the office of management and budget may approve the risk management fund to assume all or part of the contractor's liability to the state in excess of the limitation.

32-12.2-16. Ratifying contracts limiting liability to the state. Any employee or official of an agency who entered into a contract prior to March 17, 2005, requiring the agency to limit the liability of the contracting party will be deemed to be acting within the scope of the employee's or official's employment provided the contract is approved or ratified by the attorney general and the director of the office of management and budget and otherwise meets the conditions contained in section 32-12.2-15.

2.5 Funding

N.D.C.C. ch. 32-12.2, passed by the 1995 Legislature, established the State Risk Management Fund, a risk retention pool from which tort liability claims against the State and state employees as well as administration cost of the Risk Management Fund will be paid. Each State agency, board, and commission is required to participate in the program by contributing the appropriate share of the Fund's costs as determined by the Director of the Office of Management and Budget.

State Agencies

The contribution of each State agency is calculated by an actuarial review of the Fund. Initially, with no claim history, contributions were based solely on the number of employees of each agency and the number of vehicles owned by the State. Beginning with the 2001-2003 biennium, the actuarial review factored each agency's Fund loss history in determining the level of required contribution.

The table that follows this discussion reflects the general liability contribution calculated by the actuarial review for each state agency since the inception of the Fund. Vehicle liability was not brought under the Fund until July 1, 1997.

Risk Management Fund Contribution Discount Program

State agencies and facilities can reduce the rate of their required contribution to the Risk Management Fund by documenting that they have established a proactive loss control program.

To facilitate that process, we have developed an application form ([SFN 53424](#)) that must be completed by any agency or facility applying for a discount. The application form must be received in our office by May 1 of each year. The application form can be found on page [2.5-3](#) of this Manual or on the Risk Management web site.

Once the application form is received by our office, it will be reviewed to see if all documentation substantiating the discount request has been provided. If compliance with all criteria on the application form cannot be substantiated, it may be determined that a reduced discount, or no discount, will be granted.

Statements for the adjusted annual contributions to the Risk Management Fund will be sent in July of each year. Agencies or facilities that do not apply for discounts will also receive statements reminding them that payment for the undiscounted contribution is due in July of each year.

Measurement standards to qualify for any percentage of discount include:

- Agencies or facilities that meet all of the criteria for the Contribution Discount Program will receive a discount of 14%. Note, for the years the Risk Management Seminar is held, the potential discount increases to 16%.
- Agencies or facilities that meet some of the requirements will receive a lesser discount.
- An agency or facility may seek increased discounts as their loss control practices evolve.
- No discount will be granted to an agency or facility that cannot affirmatively answer questions 1 through 4.

The Minutes of the Loss Control Committee can provide the majority of the documentation of compliance with the requirements by reporting in the Minutes the committee activities that result in affirmative answers to the questions on the application form. The application form indicates where additional documentation is required and would need to be submitted with the application form. Risk Management may also request additional documentation to assist in the review.

On page 2.5-4 in this Section of the Manual you will find a proposed [schedule](#) for the calendar year for your entity's Loss Control Committee as its activities relate to the discount program. This is not intended to represent all of the functions of your Loss Control Committee but, is merely a suggestion to facilitate compliance with the discount program.

Section 4.2 of this Manual provides an in-depth discussion of other functions of an effective Loss Control Committee. The discussion on Loss Control Committees in this Section is only intended to discuss how a Loss Control Committee can serve as a support system for qualifying for the contribution discount program.



RISK MANAGEMENT FUND CONTRIBUTION DISCOUNT PROGRAM APPLICATION

STATE OF NORTH DAKOTA

SFN 53424 (11-2005)

SUBMISSION DEADLINE MAY 1
Report of Activity for Current Fiscal Year

Agency/Facility	Date	
COMPLIANCE QUESTIONS:	YES	NO
1. Does your agency/facility have a Loss Control Committee that complies with Section 4 of the Risk Management Manual and addresses recommendations and liability exposures that arise through incidents or accidents, claims, Risk Management Bulletins, and audit reports? Document in Minutes.	<input type="checkbox"/>	<input type="checkbox"/>
2. Did your agency/facility director appoint a Risk Management contact to act as the main contact for agency/facility loss control and safety activities and does that contact serve as chairperson or active member of the Loss Control Committee?	<input type="checkbox"/>	<input type="checkbox"/>
3. Are your agency/facility incidents and accidents reported to the Risk Management Division within 24-48 hours the agency/facility becomes aware of the event?	<input type="checkbox"/>	<input type="checkbox"/>
4. Does your Loss Control Committee submit copies of its Minutes to the Risk Management Division? Provide copies as completed or with the Discount Application.	<input type="checkbox"/>	<input type="checkbox"/>

Affirmative Answers to Questions 1 through 4 are Mandatory to Qualify for any Discount

5. Has your agency/facility and each of its departments/divisions/offices: a) implemented customized policies and procedures to address: Fire, Natural Disaster, Severe Weather, Bomb Threats, Sexual Harassment, Workplace Violence, Hostile Work Environment, Substance Abuse, and Proper Internet/E-mail use in the workplace; and b) provided a detailed explanation (preferably through Minutes) of how you document that these policies are communicated to ALL employees annually and at the time of hiring, including providing a copy of the acknowledgement statement, performance review statement, training sign-in sheets, or on-line training record?	<input type="checkbox"/>	<input type="checkbox"/>
6. Does your Loss Control Committee review all agency/facility incidents and accidents to determine cause in Executive Sessions that are conducted in compliance with N.D.C.C 44-04-19.2 (as explained in Section 4.2 of the Risk Management Manual and the Attorney General's Open Records and Open Meetings Manual)? Document in Minutes.	<input type="checkbox"/>	<input type="checkbox"/>
7. Does your Loss Control Committee conduct at least annual inspections of ALL of your facilities using checklists similar to those found in subsection 4.3 of the Risk Management Manual?	<input type="checkbox"/>	<input type="checkbox"/>
a. Does the inspection/checklist process include documentation of when and what corrective action was taken for identified deficiencies?	<input type="checkbox"/>	<input type="checkbox"/>
b. Has your agency/facility implemented and communicated a policy regarding the use of flammables, microwaves, refrigerators, small appliances, heaters, etc. in the workplace and does your annual inspection include confirmation of compliance with the policy?	<input type="checkbox"/>	<input type="checkbox"/>
c. Is compliance with this requirement documented in the Minutes?	<input type="checkbox"/>	<input type="checkbox"/>
8. Has your agency/facility established and your Loss Control Committee annually reviewed for adequacy and compliance: a) Continuity of Operations (COOP) b) Records Retention Schedule in compliance with ITD's Records Management Program?	<input type="checkbox"/>	<input type="checkbox"/>
9. Has your agency/facility implemented policies and procedures for management of contractual risk in accordance with Section 5 of the Risk Management Manual, N.D.C.C. ch. 54-44.4, N.D.A.C. Article 4-12, and the written directives of the Office of Management and Budget (OMB) related to procurement, and does the Loss Control Committee annually review these procedures for compliance by all departments/divisions of the agency/facility? Document in Minutes.	<input type="checkbox"/>	<input type="checkbox"/>

Total Potential Discount of 14%:

Questions 1 - 4 = 4% discount; Question 5 = 2% discount; Question 6 = 2% discount; Question 7 = 2% discount; Question 8 = 2% discount; Question 9 = 2% discount.

BONUS 2% Discount - Applies Only to Years Risk Management Hosts a Seminar Did the agency/facility Risk Management contact or active member of the Loss Control Committee attend the Risk Management Seminar?	<input type="checkbox"/>	<input type="checkbox"/>
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Comments	
Signed	Job Title
Please Print Name	Telephone Number

Month	Schedules for Portions of Quarterly Loss Control Committee Meeting Agendas Specific to Qualifying for the RMF and RMWCP Discounts
July	<p><u>Old Business:</u></p> <ol style="list-style-type: none"> 1. Review most recent Risk Management Bulletin. 2. Report in Minutes that the Sexual Harassment, Workplace Violence, Hostile Work Environment, Substance Abuse, and Proper Internet/E-mail Use In The Workplace policies were reviewed for adequacy and compliance; confirmation that training by all employees has been completed and documented. <p><u>New Business:</u></p> <ol style="list-style-type: none"> 1. Review <i>Quick Tips</i> and report in Minutes that Committee reviewed Section 4 of the RM Manual. 2. Discuss questions 1-3 of the RMF Application. <ul style="list-style-type: none"> ✓ Report in Minutes if in compliance or report what items need to be addressed. ✓ Assign duties to bring LCC into compliance with questions 1-3. 3. Assign duties to determine if employees have been informed of the DMP and provided an opportunity to select an alternate DMP; and if a list of employees selecting an alternate DMP will be sent to Risk Management Division by July 31. 4. Conduct Executive Session to review claims and lawsuits.
October	<p><u>Old Business:</u></p> <ol style="list-style-type: none"> 1. Review most recent Risk Management Bulletin. 2. If LCC could not document in July Minutes that entity was in compliance with questions 1-3 of the Application, document how the discrepancies have been addressed. 3. Report in Minutes that the Designated Medical Provider (DMP) program was properly communicated. <p><u>New Business:</u></p> <ol style="list-style-type: none"> 1. Assign duties to conduct inspections of all facilities and development of plans for corrective actions required. 2. Discuss entity's procedure for training and inspection on use of flammables, microwaves, refrigerators, small appliances, heaters, etc. in the workplace. <ul style="list-style-type: none"> ✓ Assign duty to review policy and inspection checklist for adequacy and compliance. 3. Discuss entity's procedure on management of contractual risk. <ul style="list-style-type: none"> ✓ Assign duty to obtain appropriate review and report back to LCC on compliance with Section 5 of the Risk Management Manual, NDCC 54-44.4, NDACC Article 4-12, and directives of OMB related to procurement and management of contractual risk. 4. Assign duty to obtain appropriate review and report back to LCC on adequacy and compliance of the entity's COOP and Records Retention Schedule. 5. Conduct Executive Session to review claims and lawsuits.

Month	Schedules for Portions of Quarterly Loss Control Committee Meeting Agendas Specific to Qualifying for the RMF and RMWCP Discounts
January	<p><u>Old Business:</u></p> <ol style="list-style-type: none"> 1. Review most recent Risk Management Bulletin. 2. Report in Minutes review of completed inspection reports and plan(s) for corrective action(s) to address identified deficiencies. 3. Report in Minutes adequacy of policy on use of flammables, microwaves, refrigerators, small appliances, heaters, etc. in the workplace, completion of inspections, and plan for corrective action. 4. Report in Minutes review and compliance with Section 5 of the Risk Management Manual, NDCC 54-44.4, NDAC Article 4-12, and directives of OMB related to procurement and management of contractual risk. 5. Report in Minutes on review and compliance of COOP and Records Retention Schedule. <p><u>New Business:</u></p> <ol style="list-style-type: none"> 1. Assign duties to determine if documentation is on file of (a) the entity's essential job functions for each job category, (b) the entity's minimum safety standards are posted, (c) safety guidelines have been developed, and (d) all employees have been trained on the entity's ergonomics, safety rules, safe operating procedures and claims management principles. 2. Discuss entity's procedure to train entity employees on Fire, Natural Disaster, Severe Weather, and Bomb Threat policies, how they are communicated to employees annually and at the time of hire, how the process is monitored for compliance, and how the process is documented. <ul style="list-style-type: none"> ✓ Assign duty to review policies for adequacy and compliance. ✓ Schedule training/drills or assign duty to confirm and document procedure for employee training/communication on these policies. Attach documentation to the next meeting's Minutes. 3. Conduct Executive Session to review claims and lawsuits.
April	<p><u>Old Business:</u></p> <ol style="list-style-type: none"> 1. Review most recent Risk Management Bulletin. 2. Report in Minutes that Fire, Natural Disaster, Severe Weather, and Bomb Threat policies were found to be adequate and in compliance, explain how and when training was completed or when it is scheduled to be completed. 3. Report in Minutes the adequacy of and documentation of (a) essential job functions, (b) minimum safety standards, (c) safety guidelines, and (d) ergonomics, safety rules, safe operating procedures and claims management principles. <p><u>New Business:</u></p> <ol style="list-style-type: none"> 1. Report in Minutes the name(s) of committee member(s) who will be attending the annual Risk Management Seminar. 2. Complete RMF Contribution Discount Program Application. 3. Complete RMWCP Discount Application. 4. If Minutes of the meetings have not been forwarded to Risk Management, submit them along with the Applications for the discounts and any applicable documentation. 5. Discuss entity's procedure to train entity employees on Sexual Harassment, Workplace Violence, Hostile Work Environment, Substance Abuse, and Proper Internet/E-mail Use In The Workplace, how they are communicated to employees annually and at the time of hire, how the process is monitored for compliance, and how the process is documented. <ul style="list-style-type: none"> ✓ Assign duty to review policies for adequacy and compliance. ✓ Assign duty to confirm and document procedure for employee training/communication on these policies. Attach documentation to the next meeting's Minutes. 6. Assign to all committee members to review Section 4 of the RM Manual prior to next meeting. 7. Conduct Executive Session to review claims and lawsuits.

Risk Management Fund Appropriations by Agency

		TOTAL CONTRIBUTIONS REQUIRED									
Agency #	Agency Name	1995-1997	1997-1999 *(NDIRF Paid)	1999-2001	2001-2003	2003-2005	2005-2007	2007-2009			
	STATE AGENCIES:										
101	Office of the Governor	\$ 5,808	\$ 5,807	N/A	\$ 3,857	\$ 6,446	\$ 3,775	\$ 3,142			
108	Office of the Secretary of State	8,068	8,065	N/A	5,429	8,595	4,718	4,299			
110	OMB - Administration	39,238	39,231	N/A	454	700	205	240			
	OMB - Facility Management				9,816	15,167	6,763	7,446			
	OMB - Fiscal Management				2,568	3,967	1,844	2,462			
	OMB - Human Resource Management Services				1,662	2,567	1,128	1,322			
	OMB - Risk Management				756	1,400	512	601			
112	Information Technology Department	44,206	44,199	N/A	24,430	54,437	32,871	30,094			
117	Office of the Auditor	16,846	16,843	N/A	9,000	13,609	7,392	7,110			
118	Central Services Division	8,068	8,065	N/A	5,143	7,000	3,074	4,299			
120	Office of the State Treasurer	3,442	3,441	N/A	1,143	1,433	944	661			
125	Office of the Attorney General	69,946	68,782	N/A	35,573	55,631	31,299	39,684			
127	Office of the Tax Commissioner	50,342	50,332	N/A	21,144	32,710	18,559	15,212			
140	Office of Administrative Hearings	1,742	1,742	N/A	1,143	1,433	1,258	992			
160	Legislative Council	10,000	10,001	N/A	6,143	9,073	629	4,961			
180	Supreme Court	20,220	20,216	N/A	10,001	14,564	10,852	9,590			
183	Judicial Conduct Commission	2,152	2,151	N/A	571	955	629	661			
185	Trial Courts	81,748	81,734	N/A	39,572	64,226	34,759	31,251			
190	Retirement and Investment Office	6,132	6,129	N/A	3,000	5,014	2,674	2,480			
192	Public Employees Retirement System	5,808	5,807	N/A	4,572	7,163	4,404	4,299			
201	Department of Public Instruction	42,738	42,732	N/A	19,572	22,205	12,268	10,913			
215	ND University System	6,390	6,387	N/A	3,000	5,491	2,988	2,811			
226	State Land Department	4,393	5,408	N/A	3,286	5,014	2,674	2,480			
227	Bismarck State College	53,532	45,205	N/A	30,820	49,671	23,867	18,321			
228	Lake Region State College	17,944	13,657	N/A	12,546	17,288	8,566	6,487			
229	Williston State College	19,096	14,984	N/A	10,238	14,248	7,358	5,706			
230	University of North Dakota	401,806	332,362	N/A	211,807	300,329	123,243	105,814			
232	UND Medical Center	169,126	169,097	N/A	33,583	44,306	27,399	20,885			
235	ND State University	351,272	246,740	N/A	107,829	163,081	61,391	63,686			
238	ND State College of Science	103,738	80,723	N/A	46,967	72,199	32,750	24,875			
239	Dickinson State University	51,644	40,332	N/A	25,070	36,113	17,427	17,046			
240	Mayville State University	29,592	23,424	N/A	11,862	22,503	11,361	7,830			
241	Minot State University	109,968	99,680	N/A	49,520	77,124	34,823	27,161			
242	Valley City State University	44,174	36,719	N/A	17,244	25,576	11,969	9,273			
243	Minot State University-Bottineau	31,424	14,988	N/A	11,701	11,565	4,960	3,981			
244	ND Forest Service	7,026	7,024	N/A	3,380	5,103	3,096	2,773			
250	State Library	9,520	9,517	N/A	4,857	7,640	4,404	3,968			
252	School for the Deaf	16,866	16,864	N/A	10,286	15,519	8,808	7,441			
253	School for the Blind	11,278	11,275	N/A	4,857	7,640	4,089	3,472			
270	Department of Career & Technical Education	10,164	10,162	N/A	4,857	7,640	4,089	3,472			
301	Department of Health	171,558	171,531	N/A	46,860	86,908	62,126	60,684			
313	Veterans Home	29,932	29,930	N/A	13,286	21,250	12,268	10,913			
316	Indian Affairs Commission	1,076	1,075	N/A	571	955	315	331			
321	Department of Veterans Affairs	3,074	3,075	N/A	857	1,433	786	992			
324	Children's Svcs. Coordinating Committee	646	645	N/A	286	478	315	-			

		TOTAL CONTRIBUTIONS REQUIRED							
Agency #	Agency Name	1995-1997	1997-1999 *(NDIRF Paid)	1999-2001	2001-2003	2003-2005	2005-2007	2007-2009	
325	Department of Human Services	717,540	717,420	N/A	163,730	306,976	108,680	116,407	
32590	State Hospital				68,242	116,275	54,419	50,432	
32595	Developmental Center				62,861	95,503	52,531	46,133	
360	Protection and Advocacy Project	13,766	13,764	N/A	3,572	6,446	5,033	5,291	
380	Job Service North Dakota	144,662	144,639	N/A	53,860	82,849	44,510	39,684	
401	Office of the Insurance Commissioner	16,458	16,453	N/A	14,001	21,727	12,268	11,409	
405	Industrial Commission	24,096	24,092	N/A	4,524	17,191	9,122	7,771	
	Oil & Gas Division				5,762				
406	Office of the Labor Commissioner	2,582	2,581	N/A	1,143	2,865	2,045	2,480	
408	Public Service Commission	16,136	16,133	N/A	7,000	10,744	6,134	7,110	
412	Aeronautics Commission	1,742	1,742	N/A	1,714	2,388	1,258	1,323	
413	Department of Financial Institutions	10,324	10,323	N/A	3,572	5,969	3,775	3,472	
414	Securities Department	3,012	3,011	N/A	1,429	1,910	1,258	1,323	
471	Bank of North Dakota	67,766	67,754	N/A	26,287	40,350	22,963	20,669	
473	ND Housing Finance Agency	16,458	16,453	N/A	5,429	9,550	6,448	5,787	
475	ND Mill & Elevator Association	53,350	53,341	N/A	41,717	63,271	48,285	56,881	
485	Workforce Safety & Insurance	50,178	50,171	N/A	27,716	49,662	28,939	25,464	
504	Highway Patrol	105,948	105,931	N/A	74,290	113,649	60,867	54,566	
506	State Radio Communications	9,680	9,678	N/A	5,143	8,118	4,404	4,299	
512	Department of Emergency Services	9,034	9,033	N/A	3,286	5,491	3,775	2,811	
530	Department of Corrections and Rehabilitation	210,842	210,807	N/A	120,578	233,028	186,219	236,286	
540	Office of the Adjutant General	73,776	73,414	N/A	20,858	32,710	19,031	20,669	
601	Department of Commerce								
	Division of Community Services				3,172	5,014	2,988	2,811	
	Economic Development & Finance	9,680	9,678	N/A	3,857	6,446	3,775	3,472	
	Tourism	3,226	3,226	N/A	1,714	2,865	1,573	1,639	
	Workforce Development	-	-	N/A	-	-	-	-	
602	Department of Agriculture	13,956	13,954	N/A	9,000	15,997	9,437	8,764	
612	ND Ag. Products Utilization Commission	646	645	N/A	-	-			
616	State Seed Department	10,308	10,307	N/A	5,429	8,118	4,718	5,787	
627	Upper Great Plains Transport. Institute	3,872	3,871	N/A	501	7,263	383	754	
630	NDSU Extension Service	74,218	74,204	N/A	24,597	56,668	18,478	14,008	
638	Northern Crops Institute	2,582	2,581	N/A	634	2,292	576	802	
640	NDSU Main Research Center	109,154	109,137	N/A	37,419	87,375	31,035	27,421	
641	Dickinson Research Center	4,116	4,115	N/A	3,000	2,526	2,794	2,146	
642	Central Grasslands Research Center	1,616	1,613	N/A	1,714	1,197	1,258	955	
643	Hettinger Research Center	2,582	2,581	N/A	1,229	2,791	1,167	499	
644	Langdon Research Center	2,180	2,179	N/A	1,429	978	969	767	
645	North Central Research Center	1,936	1,936	N/A	1,429	1,066	1,254	1,170	
646	Williston Research Center	2,582	2,581	N/A	1,429	1,139	1,197	928	
647	Carrington Research Center	4,678	4,678	N/A	2,714	5,231	2,084	1,481	
649	Agronomy Seed Farm	970	968	N/A	-	-		-	
651	Land Reclamation Research Center	6,698	6,696	N/A	-	-			
665	ND State Fair	2,659	3,637	N/A	8,715	13,609	9,437	9,506	
701	State Historical Society	16,782	16,778	N/A	9,000	14,564	8,021	7,375	
709	Council on the Arts	1,776	1,774	N/A	857	1,433	1,258	1,311	
710	Soil Conservation Committee	1,936	1,936	N/A	-	-			

		TOTAL CONTRIBUTIONS REQUIRED							
Agency #	Agency Name	1995-1997	1997-1999 *(NDIRF Paid)	1999-2001	2001-2003	2003-2005	2005-2007	2007-2009	
	BOARDS & COMMISSIONS:								
	Abstractors Board of Examiners	\$	-	N/A	\$	-	\$	-	
	Accountancy, State Board of Public	2,078	2,120	N/A	2,120	1,819	1,796	1,796	
	Addition Counseling Examiners, Brd. of	1,616	1,624	N/A	1,624	1,564	1,559	1,559	
	Architecture, State Board of	1,500	1,500	N/A	1,500	1,500	1,500	1,500	
	Athletic Trainers	-	-	N/A	-	-	-	-	
	Audiology & Speech/Language Pathology, Board of Examiners on	1,616	1,624	N/A	1,624	1,564	1,559	1,559	
	Bar Board, State	1,962	1,996	N/A	1,996	1,756	1,737	1,737	
	Barber Examiners, Board of	1,500	1,500	N/A	1,500	1,500	1,500	1,500	
	Barley Council	2,194	2,244	N/A	2,244	1,883	1,855	1,855	
	Beef Commission	2,078	2,120	N/A	2,120	1,819	1,796	1,796	
	Chiropractic Examiners, State Board of	1,616	1,624	N/A	1,624	1,564	1,559	1,559	
	Clinical Laboratory Practice, Board of	1,500	1,500	N/A	1,500	1,500	1,500	1,500	
	Corn Utilization Council	1,500	1,500	N/A	1,500	1,500	1,500	1,500	
	Cosmetology, State Board of	1,731	1,624	N/A	1,624	1,564	1,559	1,559	
	Counselor Examiners, State Board of	1,616	1,624	N/A	1,624	1,564	1,559	1,559	
	Dairy Promotion Commission	-	-	N/A	-	-	-	-	
	Dental Examiners, Board of	1,616	1,624	N/A	1,624	1,564	1,559	1,559	
	Dietetic Practice, Board of	1,616	1,624	N/A	1,624	1,564	1,559	1,559	
	Edible Bean Council	1,962	1,996	N/A	1,996	1,756	1,737	1,737	
	Education Standards & Practices Board	1,962	1,996	N/A	1,996	1,756	1,737	1,737	
	Electrical Board, State	3,581	3,731	N/A	3,731	2,650	2,564	2,564	
	Engineers & Land Surveyors, State Board of Registration for Professional	1,962	1,996	N/A	1,996	1,756	1,737	1,737	
	Fair Board, State	1,500	1,500	N/A	1,500	1,500	1,500	1,500	
	Funeral Service, State Board of	1,616	1,624	N/A	1,624	1,564	1,500	1,559	
	Massage, Board of	-	-	N/A	-	-	-	-	
	Medical Examiners, State Board of	2,425	2,492	N/A	2,492	2,011	1,973	1,973	
	Milk Marketing Board	2,656	2,739	N/A	2,739	2,139	1,707	2,091	
	Nursing, State Board of	3,211	3,359	N/A	3,359	2,458	2,387	2,387	
	Nursing Home Administrators, State Board of Examiners for	1,500	1,500	N/A	1,500	1,500	1,500	1,500	
	Occupational Therapy Practice, Brd. of	1,616	1,624	N/A	1,624	1,564	1,559	1,559	
	Oilseed Council	1,731	1,748	N/A	1,748	1,628	1,618	1,618	
	Optometry, ND State Board of	1,500	1,500	N/A	1,500	1,500	1,500	1,500	
	Peace Officers Standards & Training Brd.	-	-	N/A	-	-	-	-	
	Pharmacy, State Board of	1,847	1,872	N/A	1,872	1,692	1,677	1,677	
	Physical Therapists, State Examining Com	1,500	1,500	N/A	1,500	1,500	1,500	1,500	
	Plumbing, State Board of	2,193	2,244	N/A	2,244	1,883	1,855	1,855	
	Podiatry, Board of Registry	1,500	1,500	N/A	1,500	1,500	1,500	1,500	
	Potato Council	1,616	1,624	N/A	1,624	1,564	1,559	1,559	
	Private Investigative & Security Board	1,616	1,624	N/A	1,624	1,564	1,559	1,559	
	Professional Soil Classifiers, Brd. of Regis.	-	-	N/A	-	-	-	-	
	Psychologist Examiners, State Board of	1,616	1,624	N/A	1,624	1,564	1,559	1,559	
	Real Estate Appraiser Qualifications Brd.	1,500	1,500	N/A	1,500	1,500	1,500	1,500	
	Real Estate Commission, ND	2,194	2,244	N/A	2,244	1,883	1,855	1,855	

		TOTAL CONTRIBUTIONS REQUIRED									
Agency #	Agency Name	1995-1997	1997-1999 *(NDIRF Paid)	1999-2001	2001-2003	2003-2005	2005-2007	2007-2009			
	Reflexology Board	-	-	N/A	-	-	-	-			
	Respiratory Care, State Board of	1,616	1,624	N/A	1,624	1,564	1,559	1,559			
	Social Work Examiners, ND Board of	1,500	1,500	N/A	1,500	1,500	1,500	1,500			
	Soybean Council	1,731	1,748	N/A	1,748	1,628	1,618	1,618			
	Veterinary Medical Exmrns., State Brd. of	1,616	1,748	N/A	1,748	1,628	1,618	1,618			
	Water Well Contractors, Board of	-	-	N/A	-	-	-	-			
	Wheat Commission	3,118	3,235	N/A	3,235	2,394	2,328	2,328			
	Total - Regulatory Boards	\$ 78,120	\$ 79,240	N/A	\$ 79,240	\$ 71,371	\$ 70,303	\$ 70,746			
	Total General Liability Contributions	\$ 5,509,331	\$ 5,334,856	N/A	\$ 2,659,529	\$ 4,382,016	\$ 2,677,372	\$ 2,574,098			
	Vehicle Liability Contributions:										
	Office of the Attorney General	\$ -	\$ -	\$ -	\$ 8,066	\$ 8,362	\$ 10,677	\$ 11,856			
	Office of the Adjutant General	-	-	-	436	452	574	668			
	Department of Transportation	-	-	-	910,760	1,015,006	1,028,595	1,136,706			
	ND Mill & Elevator Association	-	-	-	-	-	282	334			
	North Dakota State University	-	-	-	-	-	7,345	8,679			
	State Hospital	-	-	-	-	-	282	334			
	University of North Dakota	-	-	-	-	-	6,497	7,677			
	Total Vehicle Liability Contributions				\$ 919,262	\$ 1,023,820	\$ 1,054,252	\$ 1,166,254			
	TOTAL CONTRIBUTIONS TO RM FUND	\$ 5,509,331	\$ 5,334,856	N/A	\$ 3,578,791	\$ 5,405,836	\$ 3,731,624	\$ 3,740,352			